



W.P.(MD)No.5358 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.5358 of 2023
and
W.M.P.(MD)No.5022 of 2023**

Amalraj

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District.
- 2.The Project Director,
Collectorate Complex,
Tenkasi District.
- 3.The Executive Engineer,
Rural Development and
Panchayat Raj Department (RDPR)
Collectorate Complex,
Tenkasi District.
- 4.The Block Development Officer,
Village Panchayat,
Kurivikulam Union,
Tenkasi District.

... Respondents



W.P.(MD)No.5358 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent not to lay the road from Nakkalamuthanpatti Village South in water body (Oodai) consisting of Survey Nos.141, 140, 121, 120, 119 and 118 in considering the petitioner's representation to the respondents 1, 2 and 3 dated 07.02.2023.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to restrain the third respondent from laying the petition mentioned road across the petition mentioned water body. Notice was issued.

3.The fourth respondent has filed status report in which the following undertaking has been given. Paragraph No.7 of the status report reads as follows:

“7. I further submit S.No. 119/1,121/1,118/2,120/1,140/1 and 141/1 situated in Nakkalamuthanpatti Village are classified as pathway and a water channel having small width is situate abutting to the aforesaid pathway. The said channel is having 10 Feet Breadth



W.P.(MD)No.5358 of 2023

and 800 Meter length. I undertake to state that neither we will obliterate nor damage the aforesaid channel at any point of time more particularly when laying the road.”

Recording the aforesaid undertaking of the respondents that the petition mentioned water body will not damaged in any manner, this writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
30.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

- 1.The District Collector,
Tenkasi District.
- 2.The Project Director,
Collectorate Complex,
Tenkasi District.
- 3.The Executive Engineer,
Rural Development and
Panchayat Raj Department (RDPR)
Collectorate Complex, Tenkasi District.
- 4.The Block Development Officer,
Village Panchayat,
Kurivikulam Union, Tenkasi District.



WEB COPY



W.P.(MD)No.5358 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

W.P(MD)No.5358 of 2023

and

W.M.P.(MD)No.5022 of 2023

30.03.2023